

AO 92 (Rev. 11/11) Criminal Complaint

AUSA William Dunne (312) 353-2815

FILED**TD****2/13/2024****THOMAS G. BRUTON**
CLERK, U.S. DISTRICT COURT**UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CORTEZ FLEMING

CASE NUMBER: 24 CR 77

UNDER SEAL**CRIMINAL COMPLAINT**

I, the complainant in this case state that the following is true to the best of my knowledge and belief. On or about February 9, 2024, at 15600 Gouwens Lane, South Holland, Cook County, Illinois 60473, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

*Code Section*Title 18, United States Code, Section
922(g)(1)*Offense Description*

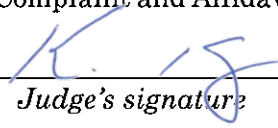
knowing that he had been previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm;

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

 PATRICK E. SMITH
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives (ATF)

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: February 13, 2024

Judge's signature
City and state: Chicago, IllinoisKERI L. HOLLEB HOTALING,
U.S. Magistrate Judge*Printed name and title*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, PATRICK F. SMITH, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), and have been so employed for 10 years. My current responsibilities include the investigation of violent crimes, including, among others, kidnaping, bank robbery, and the apprehension of violent fugitives.

2. During the course of my career with ATF, I have received training and acquired knowledge and experience as to firearms, ammunition, and the interstate nexus of firearms and ammunition, due to investigations, research, records, familiarity, conferring with other experts, training, and certifications. I have received a certification as a firearms nexus expert in 2016. In such capacity, I regularly prepare reports and official correspondence relating to the identification, origin, and classification of firearms and ammunition under the provisions of the Federal firearms laws.

3. This affidavit is submitted in support of a criminal complaint alleging that Cortez FLEMING has violated Title 18, United States Code, Section 922(g)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging FLEMING with unlawful possession of a firearm by a prohibited person, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I

believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement members and witnesses, physical surveillance, my review of audio and video recordings, as well as open source and law enforcement databases. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

I. SUMMARY OF PROBABLE CAUSE

5. In summary, and as described below, in February 2024, federal and local law enforcement were jointly conducting an ongoing firearms investigation concerning the unlawful possession of firearms by FLEMING and others.

6. According to the United States District Court for the Central District of Illinois Clerk's Office, prior to February 9, 2024, FLEMING was convicted of a crime punishable by a term of imprisonment exceeding one year. Specifically, on or about September 18, 2020, in case 19CR40072 and pursuant to a plea agreement, FLEMING was convicted of possession of crack cocaine with intent to distribute, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2; and being a felon in possession of firearm and ammunition, in violation of Title 18, United States Code, Section 922(g)(1). FLEMING was sentenced to 30 months' imprisonment in that case and remains on federal supervised release.

7. According to local law enforcement and ATF reports prepared in this investigation, on or about the evening of February 9, 2024, and during the execution of a state authorized search warrant on a residence located at 15600 Gouwens Lane, South Holland, Cook County, Illinois 60473 ("Gouwens Residence"), law enforcement encountered FLEMING and Individual A inside the residence.

8. Pursuant to the state search warrant, which, among other items, authorized the seizure of firearms and ammunition, law enforcement recovered five firearms in the Gouwens Residence. Four firearms were recovered from a bag in a bathroom in the Gouwens Residence, specifically, an ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12907; an ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12908; an ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12910; an ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12613. A fifth firearm was located in a bedroom in the Gouwens Residence, specifically, a loaded ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12647.

9. According to local law enforcement and ATF reports prepared in this investigation, FLEMING and Individual A were detained and transported to a local law enforcement agency for questioning in connection with the five above-described firearms recovered pursuant to the state search warrant.

10. On February 10, 2024, FLEMING was advised of his Miranda warnings by law enforcement and during a recorded interview, in summary, denied ownership

of the five above-described firearms and maintained the firearms belonged to Individual A.

11. On February 11, 2024, FLEMING requested to speak to law enforcement again and was readvised of his Miranda warnings. During a recorded interview with law enforcement, FLEMING advised law enforcement, in summary, that the five above-described firearms belonged to him, and not Individual A. FLEMING confirmed that he had regularly stayed at the Gouwens Residence and that he had been keeping the five firearms with him at that residence prior to February 9, 2024.

12. Since the recovery of the firearms on February 9, 2024, I examined the five firearms to determine interstate nexus. Based on the physical examination of the five firearms I have determined the following:

a. The ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12907 is a firearm and was manufactured/assembled in Nevada prior to being recovered in Illinois on February 9, 2024.

b. The ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12908 is a firearm and was manufactured/assembled in Nevada prior to being recovered in Illinois on February 9, 2024.

c. The ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12910 is a firearm and

was manufactured/assembled in Nevada prior to being recovered in Illinois on February 9, 2024.

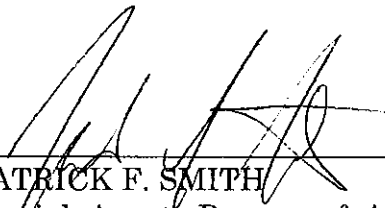
d. The ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12613 is a firearm and was manufactured/assembled in Nevada prior to being recovered in Illinois on February 9, 2024.

e. The ABC Rifle Company, model ABC-15, 300 blackout caliber pistol, bearing serial number 77-12647 is a firearm and was manufactured/assembled in Nevada prior to being recovered in Illinois on February 9, 2024.

II. CONCLUSION

13. Based on the foregoing facts, I respectfully submit that there is probable cause to believe that, on or about February 9, 2024, Cortez FLEMING, knowing that he had been previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm.

FURTHER AFFIANT SAYETH NOT.



PATRICK F. SMITH
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SWORN TO AND AFFIRMED by telephone February 13, 2024.



Honorable KERI L. HOLLEB HOTALING
United States Magistrate Judge